

Message Text

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44

ACTION IO-10

INFO OCT-01 ARA-10 ISO-00 CIAE-00 COME-00 EB-07 INR-07

LAB-04 NSAE-00 SIL-01 AF-06 EA-10 EUR-12 NEA-10 OIC-02

DODE-00 PM-03 H-02 L-02 NSC-05 PA-02 PRS-01 SP-02

SS-15 USIA-15 /127 W

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P R 231115Z MAY 75

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 3137

INFO AMEMBASSY SANTIAGO

UNCLAS GENEVA 3782

PASS LABOR FOR SEGALL, PERSONS AND QUACKENBUSH

E.O. 11652: NA

TAGS: ILO CI

SUBJ: ILO GOVERNING BODY: ITEM 4

REF: A) GENEVA 3623; B) STATE 118799

1. REPORTS OF COMMISSIONS ON FREEDOM OF ASSOCIATION AND OF COMMISSION EXAMING OBSERVANCE BY CHILE OF CONVENTIONS ON HOURS OF WORK (NO. 1) AND DISCRIMINATION (NO.111) RELEASED BY ILO MAY 22. BOTH REPORTS ARE CRITICAL OF GOVERNMENT OF CHILE AND ARE LIKELY TO INFLUENCE CONSIDERATION OF RESOLUTION ON CHILE (PARA 6, REF A) IN RESOLUTIONS COMMITTEE OF 60TH SESSION ILO CONFERENCE. MAJOR RECOMMENDATIONS OF COMMISSIONS FOLLOW.

2. REPORT OF FACT FINDING AND CONCILIATION COMMISSION ON FREEDOM OF ASSOCIATION CONCERNING CASE OF CHILE (GB 196/4/9).

A. IN SUBMITTING REPORT TO GOVERNING BODY, COMMISSION STATES GB "WILL NO DOUBT WISH" TO DECIDE WHETHER IT WILL INVITE GOC TO SUBMIT LAW AND PRACTICE REPORT (UNDER PARA 5E, ARTICLE 19, ILO CONSITUTION) ON MATTERS CONCERNING UNCLASSIFIED

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ILO CONVENTIONS 87 AND 98 WHICH ARE TOUCHED UPON IN

COMMISSION REPORT.

B. COMMISSION RECOMMENDED GOC ADOPT WITHOUT DELAY NEW TRADE UNION LEGISLATION IN CONFORMITY WITH PRINCIPLES OF FREEDOM OF ASSOCIATION IN ILO CONSTITUTION AND WHICH WOULD ENABLE GOC TO RATIFY ILO CONVENTION 87.

C. ON SPECIFIC MATTERS EXAMINED, COMMISSION RECOMMENDED GOC ADOPT MEASURES WHICH WOULD:

(1) RETURN TO TRADE UNION ORGANIZATIONS THE ASSETS TO WHICH THEY HAVE A LEGITIMATE CLAIM,

(2) REMOVE THE DIFFICULTIES OBSTRUCTING THE OBTAINING OF LEGAL PERSONALITY BY TRADE UNION ORGANIZATIONS WHICH HAVE APPLIED FOR IT, INCLUDING IN PARTICULAR THE NATIONAL FEDERATION OF TEXTILE AND CLOTHING WORKERS (FENATEX) AND THE NATIONAL FEDERATION OF BUILDING WOOD AND BUILDING MATERIALS (FIEMC), SO AS TO NORMALIZE THEIR POSITION, IN PARTICULAR, AS REGARDS THE QUESTION OF THE COLLECTION OF UNION DUES;

(3) END THE TAKEOVER OF THE SINGLE UNION OF WORKERS IN EDUCATION (SUTE) AND THE NATIONAL ASSOCIATION OF EDUCATION SERVICES EMPLOYEES (ANESE);

(4) NORMALIZE THE FINANCIAL SITUATION OF THE CONFEDERATION OF AGRICULTURAL AND INDIGENOUS WORKERS "RANQUIL" AND THE UNITED CONFEDERATION OF WORKERS AND PEASANTS, AND MAKING IT POSSIBLE FOR THESE CONFEDERATIONS AND THE ORGANIZATIONS AFFILIATED TO THEM TO RESUME THEIR TRADE UNION ACTIVITIES;

(5) AVOID ANY DISCRIMINATION BETWEEN TRADE UNION ORGANIZATIONS, ESPECIALLY AS CONCERNS THE RECOGNITION OF THEIR OFFICIALS AS COMPETENT TO PERFORM THE FUNCTIONS ASSIGNED TO THEM.

D. COMMISSION RECOMMENDED THAT GOC TAKE MEASURES ENABLING TRADE UNION OFFICIALS WHO BELIEVE THEY WERE WRONGFULLY DISMISSED TO APPLY TO COMPETENT, ORDINARY COURTS FOR REVIEW AND EXAMINATION OF THEIR CASES. COMMISSION HOPED THAT PRACTICE OF COLLECTIVE BARGAINING WOULD BE RESUMED WITHOUT DELAY. COMMISSION REQUESTED GOC TO CONSIDER ADOPTION OF SPECIFIC MEASURES TO IMPLEMENT ITS RECOMMENDATIONS, GIVING PRIORITY TO (1) RELEASE OR BRINGING TO TRIAL OF TRADE UNIONISTS IN CUSTODY UNDER PROCEDURES WHICH PROVIDE FULL SAFEGUARDS OF DEFENSE AND IMPARTIAL JUDGMENT; (2) GUARANTEE OF

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RIGHT NOT TO BE ARRESTED EXCEPT IN ACCORDANCE WITH ORDINARY CRIMINAL PROCEDURE AND (3) GUARANTEE OF PROTECTION AGAINST ALL FORMS OF ILL TREATMENT DURING DETENTION. COMMISSION NOTED THAT REVIEW OF SENTENCE ALREADY DELIVERED, APPLICATION OF CLEMENCY, OR EVEN AN AMNESTY "WOULD CERTAINLY HELP TO RESTORE THAT CLIMATE OF NORMALCY WHICH IS ONE OF THE MAIN CONDITIONS FOR THE DEVELOPMENT OF THE WHOLE COUNTRY IN THE YEARS AHEAD".

3. REPORT OF COMMISSION ON OBSERVANCE BY CHILE OF HOURS OF WORK CONVENTION (NO.1) AND CONVENTION ON DISCRIMINATION (NO. 111) (GV 196/4/10).

A. ON CONVENTION NO. 1 COMMISSION FOUND THAT LEGISLATIVE DEGREE NUMBER 35 OF GOC DID NOT INFRINGE OBLIGATIONS IMPOSED BY CONVENTION; THEREFORE COMMISSION MADE NO RECOMMENDATIONS.

B. UNDER CONVENTION NO. 111, COMMISSION RECOMMENDED FOLLOWING:

1. UNDER ARTICLES 2 AND 3 THAT GOC INSTITUTE ASAP ADEQUATE PROCEDURES FOR INVESTIGATION OF REASONS FOR DECISIONS OF SPECIAL COMMISSION FOR PUBLIC SECTOR WITH A VIEW TO PROVIDING PERSONS WHOSE DISMISSAL MAY HAVE BEEN BASED ON GROUNDS OF POLITICAL OPINION WITH OPPORTUNITY OF FRESH, IMPARTIAL EXAMINATION. COMMISSION ALSO RECOMMENDED GOC FIX REASONABLE TIME LIMIT FOR PRESENTATION AND EXAMINATION OF DISMISSAL CASES IN PUBLIC AND PRIVATE SECTOR WHO WERE UNABLE TO APPEAL AT TIME OF DISMISSAL BECAUSE THEY WERE IN DETENTION "OR FOR OTHER REASONS OF FORCE MAJEURE".

2. UNDER ARTICLES 3 (C AND D) COMMISSION RECOMMENDED THAT GOC ISSUE INSTRUCTIONS DESIGNED TO INSURE THAT ALL SERVICES DEPENDENT ON GOC COLLABORATE IN POLICY OF NON-DISCRIMINATION ON GROUNDS OF POLITICAL OPINION IN LIGHT OF ARTICLES 3 (A) COMMISSION RECOMMENDED GOC SEEK COOPERATION OF EMPLOYERS AND WORKERS ORGANIZATIONS IN IMPLEMENTATION OF THIS POLICY.

3. COMMISSION RECOMMENDED GOC SUBMIT (UNDER ARTICLE 22 ILO CONSTITUTION) BY OCTOBER 15, 1975 REPORT ON MEASURES UNCLASSIFIED

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TAKEN TO GIVE EFFECT TO PROVISIONS ON CONVENTION 111. DALE

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